

# PATENT COOPERATION TREATY

## PCT


### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY<sup>PCT</sup>

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 05 DEC 2005

PCT

Applicant's or agent's file reference P-2003-027WO		<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/DK2004/000796		International filing date (day/month/year) 18.11.2004		Priority date (day/month/year) 26.11.2003
International Patent Classification (IPC) or national classification and IPC G10K11/178				
Applicant OTICON A/S				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 1 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  26.09.2005		Date of completion of this report  05.12.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Fülöp, I  Telephone No. +31 70 340-1963		



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/DK2004/000796

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-4 as originally filed

**Claims, Numbers**

1-4 received on 30.09.2005 with letter of 26.09.2005

**Drawings, Figures**

1, 2 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☒ the claims, Nos. 5
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-5
Inventive step (IS)	Yes: Claims	
	No: Claims	1-5
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

I. Reference is made to the following document:

D1: US-B1-6 445 799 (TAENZER JON C ET AL) 3 September 2002 (2002-09-03)

II. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 1-4** is not new in the sense of Article 33(2) PCT.

II.1. Document D1, which appears to be the closest prior art document, discloses (the references in parentheses applying to this document):

"A hearing aid (col.4, line 40) comprising a signal path with an input transducer (21), a signal processor (27) and an output transducer (22), where an auxiliary input ("external device" in figure 2) is provided to the signal path, the signal processor being adapted to produce a compensation signal capable of at least partly attenuating acoustic signals bypassing the signal path and entering the ear canal (col.4, lines 30-39)"

**Claim 1** infringes thus Article 33(2) PCT.

II.2. Document D1 discloses also all the features of dependent **claims 2-4** (see, especially, figure 2 and col.6, lines 33-38 wherein the term "turning knob" is considered to be the same as "switching means" in the wording of the claims).

**Claims 2-4** infringe thus also Article 33(2) PCT.

I.L.Fülöp

## CLAIMS

1. A hearing aid comprising a signal path with an input transducer, a signal processor and an output transducer, where an auxiliary input is provided to the signal path, the signal processor being adapted to produce a compensation signal capable of at least partly attenuating acoustic signals bypassing the signal path and entering the ear canal.
2. A hearing aid according to claim 1, where the hearing aid further comprises at least one internal input transducer for obtaining a sound signal within the ear canal, the internal input transducer being connected to the signal path.
3. A hearing aid according to claim 1 or 2, where switching means are provided for switching the signal processor to a state where the compensation signal is generated.
4. A hearing aid according to claim 3, where the switching means are adapted for automatically generating the compensation signal upon receiving the auxiliary input.

EPO - DG 1

30. 09. 2005

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